IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

Crl.Rev.Pet.No. 1086 of 2000(A)

CRL.A.47/1993 OF I ADDL. SESSIONS COURT, KOLLAM
DTD. 18/10/2000.
ST.17/1988 OF JUDL.MAGISTRATE OF FIRST CLASS-I, PUNALUR.
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PETITIONER/APPELLANT/ACCUSED:

VARGHESE, S/O. MATHAI,
CHEKKALAYIL PUTHEN VEEDU,
CHOORAKKODU.P.O., OWNER,
PROVISION STORE, SITUATED AT PMC,
XXII/139 (1) NEW NO. XXVII/142 (1),
NELLIPPALLY JUNCTION, PUNALUR.

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR,
SRI.PIRAPPANCODE V.S.SUDHIR,
SMT.RESMI G. NAIR.

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSCUTOR, OFFICE OF THE ADVOCATE GENERAL,
HIGH COURT BUILDING, ERNAKULAM (FOOD INSPECTOR, PUNALUR
MUNICIPAL COUNCIL, PUNALUR).

BY PUBLIC PROSECUTOR SRI. K.R. SIVAKUMAR.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 27/07/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

prv.

J.B. KOSHY, J.

Crl.R.P. NO. 1086 of 2000

Dated this the 27th day of July, 2007

Order

Food Inspector, Punalur visited the provision shop of the revision petitioner on 7.7.1998 at 1.00 p.m. He disclosed his identity and issued form VI notice. After that, he purchased 750 ml. ground nut oil kept in a tin exhibited for sale and paid Rs.18/-. He sampled the same after complying with the formalities under the Prevention of Food Adulteration Rules and obtained certificate of public analysit. It was found that the ground nut oil was adulterated. 750 ml. of ground nut oil purchased was from a tin which has the capacity of 15 k.gs. and it contained 10 k.gs. of ground nut oil. The courts below concurrently found that revision petitioner was guilty under section 2 (1a) (m), 7 (1), 16 (1) and rule 5 Appendix B of A.17.03 and rule 50 of the Prevention of Food Adulteration Act. He was sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.1,000/- and in default of payment of fine, he was also directed to undergo simple imprisonment for one

month. I see no ground to interfere in the concurrent findings of the trial court as well as the appellate court. It is contended in the revision application that three tins were kept side by side and by mistake the ground nut oil handed over to the Food Inspector was from a tin containing lamp oil. After disclosure of the Food Inspector that he is an inspector under the Prevention of Food Adulteration Act, if he sells 750 ml. ground nut oil from the tin marked as ground nut oil, it cannot be stated that it was mistakenly taken from another tin. Evidence of PW1 is only a self-serving statement. Notice was given in the correct address given to him. These two grounds taken by the revision petitioner are of no help to him.

2. Only minimum sentence prescribed under the Act is imposed. The Act itself is enacted for preventing the adulteration of food articles. In these circumstances, I see no ground to interfere in the sentence and conviction. The Crl.R.P. is dismissed.

J.B.KOSHY
JUDGE

vaa

J.B. KOSHY, J.

Crl.R.P. No.1086/2000

Order

Dated:27th July, 2007